

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Washington, County of)	File No.: EB-FIELDNER-13-00011729
Licensee of Station WPNP403)	NOV No.: V201432400004
Washington, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: November 27, 2013

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to the County of Washington, licensee of Private Land Mobile Radio Station WPNP403 in Washington, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On September 12, 2013, agents of the Enforcement Bureau’s Philadelphia Office inspected Station WPNP403 in Washington, Pennsylvania and observed the following violation:

47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” At the time of the inspection, the license for Station WPNP403 authorized Washington County to operate repeater stations (FB2) on the frequency 151.4300 MHz for its county fire dispatch zone-1 at the following locations in Washington, Pennsylvania:

Station	Frequency (MHz)	Authorized Location Coordinates
WPNP403	151.4300	40° 07’ 53.3” N and 080° 14’ 30.2” W
WPNP403	151.4300	40° 05’ 16.3” N and 080° 04’ 16.2” W
WPNP403	151.4300	40° 14’ 05.3” N and 080° 11’ 18.2” W
WPNP403	151.4300	40° 10’ 12.3” N and 080° 14’ 50.2” W

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

The agents found Station WPNP403 operating on this frequency at the following unauthorized locations:

Station	Frequency (MHz)	Unauthorized Location Coordinates
WPNP403	151.4300	40° 07' 8.39" N and 080° 25' 15.6" W
WPNP403	151.4300	40° 10' 19.19" N and 080° 13' 8.39" W

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Washington County must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Washington County to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Washington County with personal knowledge of the representations provided in Washington County's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Washington, County Of at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).